CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
Amadee Bility		Squad #3	202107379	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Sunday, 12/05/2021 2:00 AM		Front of § 87(2)(b)		45	6/5/2023	6/5/2023
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CCI	B
Sun, 12/05/2021 9:36 AM		CCRB	Call Processing System	Sun, 12/05	7/2021 9:36 AM	
Complainant/Victim	Туре	Home Address				
Subject Officer(s)	Shield	TaxID	Command			
1. PO Adam Rossi	05636	965483	045 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. PO Md Abdullah	05464	968207	045 PCT			
Officer(s)	Allegatio	n		Inve	stigator Recon	nmendation
A.PO Adam Rossi	Abuse: Police Officer Adam Rossi damaged \$87(2)(6)					

Case Summary

On December 6, 2021, \$87(2)(b) filed this complaint with the CCRB by phone. On December 5, 2021, at approximately 2:00 AM, at §87(2)(b) in the Bronx, PO Adam Rossi of the 45th Precinct damaged the license plate cover on §87(2)(b) s vehicle (Allegation A: Abuse of Authority, \$87(2)(g) § 87(2)(b) was issued two summonses by PO MD Abdullah of the 45th Precinct. One summons was for parking too close to the fire hydrant (147372923-3) and the second for other obstructing the vehicle's VIN \$87(2)(b) Review 12). There was no body worn camera (BWC) footage from the incident. The nature of the incident did not require the use of BWC as per the Patrol Guide. \$87(2)(b) submitted video from his vehicle (Board Review 06, 13). **Findings and Recommendations** Allegation (A) Abuse of Authority: Police Officer Adam Rossi damaged \$87(2)(6) property. On December 5, 2021, at approximately 1:00 AM, §87(2)(b) parked his § 87(2)(b) in front of § 87(2)(b) in the Bronx. He acknowledged during his interview that he left the cover on the license plate by accident after he parked the car. When he returned to his car at approximately 5:00 PM he found two summonses on his vehicle. reviewed video from his vehicle's rearview camera and believed that an officer (later identified as PO Rossi) removed his license plate cover that was affixed to his license plate on the back of the car. The cover was ripped off the license plate in a way that it could not be used again (Board Review 01). described that the cover was a thin black sheet of leather that \$87(2)(b) to cover his license plate during car shows. There was a bracket that held the cover to the license plate. The cover can slide up or slide down or be moved to the side. Once the cover is positioned, it will remain in that position until it is manually or remotely moved again. There was no need to fully remove the license plate cover because it is possible for the cover to be slide up which would reveal the license plate. § 87(2)(b) recorded a video which demonstrates how the cover mechanism moves the cover over the license plate like a curtain (Board Review 06). Rearview vehicle video submitted by \$87(2)(b) shows a police vehicle with lights activated behind his car. At 00:07 minutes, PO Rossi and PO Abdullah are standing behind the vehicle. PO Abdullah is holding an activated flashlight. The actions of the officers cannot be seen from the perspective of the camera (Board Review 13). A photo of § 87(2)(b) license plate was taken by PO Abdullah at the conclusion of the incident (Board Review 04). The photo shows that the license plate was visible, without a cover, and remnants of the cover are visible along the bottom of the frame (a zoomed-in photo of the license plate is included in Board Review 15). PO Rossi said in his interview that they received a 311-call stating that a green car was parked in front of a fire hydrant at \$87(2)(b) in the Bronx. When he and his partner arrived at the location, they noticed the green vehicle parked in front of the fire hydrant. They tried to get the front license plate but realized the car was from \$87(2)(b) so it did not have a front license plate. They also noticed that the VIN was obscured by a piece of paper inside the car that was left there. PO Rossi conferred with his partner about giving the driver a summons for parking in front of the

hydrant as well as obscuring the VIN. PO Rossi knew that some newer cars may have the VIN at the back of the car, so he and PO Abdullah went to the rear of the car. He said that he could not find a VIN there and noticed that the rear license plate was covered. PO Rossi uncovered the license plate himself to allow PO Abdullah to record the license plate to issue the summonses. He did not know what type of material the cover was made except to say it was an opaque material. PO Rossi

stated in his interview that if an officer observes a covered license plate for a parked vehicle that is not on and has no one inside, the officer has the right to uncover the license plate to identify the vehicle. He did not remember how he uncovered the license plate and said that he might have lifted the cover, but he did not take anything off the license plate. He did not damage the license plate, license plate cover or the license plate frame in any way as a result of uncovering the license plate. After the plate was uncovered, he ran the plate numbers to make sure the vehicle was not stolen, and PO Abdullah issued the summons for parking in front of a fire hydrant and for the obstructed VIN. He and PO Abdullah left the vehicle how it was before they approached it.

During his CCRB interview, PO Rossi was shown the photo taken by PO Abdullah at the end of the incident. PO Rossi re-affirmed that the license plate was completely covered at the start of the incident and did not look as it did in the picture. PO Rossi re-iterated that he placed the cover back on to the license plate and left it the same way that they had found it. PO Rossi did not know if the license plate cover stayed where it did when he put it back. PO Rossi did not think that he damaged the license plate cover in such a way that the cover could not be re-attached and he did not damage the frame either (Board Review 03).

PO Abdullah said in his interview that he and PO Rossi received a 311-call saying that there was a green car parked in front of a fire hydrant. When trying to identify the vehicle using the VIN, PO Abdullah said he could not because it was obscured by something in the car. Then he realized that there was no front license plate, so they went to the rear license plate, which was covered. He did not know what the cover was made of. He did not remember telling his partner to lift the cover up and did not remember if the cover came off the license plate. He did not remember the cover going back into place, the way it was found. After PO Rossi uncovered the plate by lifting the cover up, he wrote the summons and left everything there. The plate was still covered, and it was "how we found it." The cover was placed back but PO Abdullah did not know if it stayed there. He said to his knowledge he did not damage the license plate cover by ripping it off as to reveal the license plate or such that it could not be attached. He did not damage the frame of the plate. He said that he could not remember if the cover fell off as a result of PO Rossi's actions. PO Abdullah affirmed that he took the photo referenced above at the end of the incident to document the incident (Board Review 02).

Officers may damage property only if doing so is reasonably necessary to carry out their duties. Onderdonk v. State, 170 Misc. 2d 155 (1996).

testified that he left his vehicle with the license plate cover over his plate, which

from issuing the summons. Both officers also said they believed the plate was covered when they ended the investigation. However, this is contradicted by the photo taken by PO Abdullah showing that there was no cover on the license plate and there were remnants of the cover on the bottom of					
the frame of the cover when the officers finished the job. [87(2)(6)					
§ 87(2)(g)					
Civilian and Officer CCRB Histories					

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- § 87(2)(b)
- PO Adam Rossi has been a member of service for four and has been a subject in one other CCRB complaint and four allegations, none of which were substantiated. [87(2)(2)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation due to the Agency's mediation moratorium at the time the complaint was filed.
- As of April 27, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 10).

§ 87(2)(0)			
Squad:	3		
Investigator:	Amadee Bility Signature	Investigator Amadee Bility Print Title & Name	12/16/2022 Date
Squad Leader:	Rolando Vasquez	IM Rolando Vasquez Print Title & Name	12/16/2022 Date